

In re the Application of JACOBSON, Stephen C. et al.
Application No. 10/668,930
Attorney Docket No. 1875-0326.2

Please amend the drawing figures as shown on the attached replacement sheets.

REMARKS

The Amendments to the Specification

In the Official Action, the Examiner noted errors in the Specification that require correction. The Examiner suggested that the Applicants review the entire Specification for additional errors and correct any such errors. The amendments to the Specification correct the errors noted by the Examiner and other minor typographical and grammatical errors. No new matter is added by any of the amendments to the Specification.

The Amendments to the Drawings

Figures 3A and 3B have been amended to conform to the descriptive text in the Specification and to the Office's requirements for drawings as set forth in 37 CFR 1.84 by renaming Figure 3a and Figure 3b as -- Figure 3A -- and -- Figure 3B --, respectively.

Figure 5B has been renamed as -- Figure 5 -- to conform to the descriptive text in the Specification.

Figures 6A, 6B, and 6C have been amended to conform to the descriptive text in the Specification and to the Office's requirements for drawings as set forth in 37 CFR 1.84 by renaming Figure 6a, Figure 6b, and Figure 6c as -- Figure 6A --, -- Figure 6B --, and -- Figure 6C --, respectively.

Figure 8 has been amended to include the reference numeral "5B" which is referred to in the relevant text of the Specification.

The Amendments to the Claims

In the Official Action, the Examiner indicated that Claims 39, 50, 57, 58, 67, and 68 contain allowable subject and that those claims could be placed in condition for allowance if amended to include the features of the base claim and any intervening claim from which they depend. Accordingly, in order to place this application in condition for allowance the Applicants

have made the following amendments. Claim 20 has been amended to include the feature(s) of Claim 39. Claim 49 has been amended to include the feature(s) of Claim 50. Claim 55 has been amended to include the features of Claims 56 and 57. New Claim 75 is added. Claim 75 includes all of the features of Claims 55 and 58. Claim 65 has been amended to include the features of Claims 66 and 67. New Claim 76 is added. Claim 76 includes the features of Claims 65 and 68.

Although Claim 68 was dependent from Claim 66, the feature of Claim 66 is not essential to the subject matter of new Claim 76 because the subject matter of Claim 68 does not add anything to the subject matter of Claim 66. More specifically, Claim 66 recited the feature “a third membranous material . . . disposed in the third.” Claim 68 recited the feature “wherein the first and second membranous materials are selected to provide electroosmotic flow in the first membranous material that is greater than electroosmotic flow in the second membranous material.” It is clear that Claim 68 made no reference to the third membranous material. Therefore, it is believed that the third membranous material is not essential to the subject matter of Claim 76.

Claims 59, 60, 61, 62, 63, 73, and 74 have been amended to correct the claim dependencies set forth therein in view of the amendments of Claims 55 and 65, the addition of new Claims 75 and 76, and the cancellation of Claims 56, 57, and 66.

35 USC 112, First Paragraph

The Examiner rejected Claims 8-10, 29, and 36-38 under 35 USC 112, first paragraph. In making the rejection the Examiner explained that the Specification did not meet the enablement requirement with respect to the claimed feature “membranous material that is characterized by an ability to conduct electrical current while inhibiting bulk material flow therethrough.” It is believed that this rejection is moot in view of the cancellation of Claims 8-10, 29, and 36-38.

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35 USC 102 and 35 USC 103

The Examiner rejected Claims 8-10, 19, 20, 28, 30-32, 36-38, 40-49, 51-56, 59, 60-66, 69, and 70-74 under either 35 USC 102(e) or 35 USC 103(a). It is believed that this rejection is moot in view of the amendments to the claims.

CONCLUSION

In view of the amendments to the Specification, Claims, and Drawings, it is believed that this application is in condition for allowance. Therefore, the Applicants respectfully request reconsideration of their application in view of the amendments presented hereinabove.

Respectfully submitted,

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